

Comparison of the Role of the Foster Care Review, HHS, and the Courts

Role of Citizen Review

Federal and State Mandates

- Local Boards conduct reviews that meet state and federal mandates, and that focus on children's best interests

Review Function

- Focus on child's best interest per statute 'to determine the physical, psychological, and sociological circumstances of such foster child'
- Review all documents in the placement agency's file and seek additional information from other concerned parties
- Analyze plan based on variety of backgrounds and expertise available through multi-disciplinary boards
- Make recommendations to be shared with all legal parties based on knowledge of community services, clearly listing main concerns
- Seek legal intervention when the case review indicates a child is in danger or in need of services
- Tour facilities per mandate and report concerns to appropriate authorities
- Gather information through reviewing children from all placement agencies and provide a statewide picture of all children in out-of-home care

Tracking Function

- Track all children in out-of-home care per statute (FCRB Tracking System)
- Provide statewide picture of all children in out-of-home care

Role of HHS

Risk Assessment

- If not an emergency removal, assesses family to determine child's risk if allowed to remain in the home
- Places children in out-of-home care or responds to law enforcement removal

Case Management and Planning

- Provides case management
- Develops the child's case plan, and presents the plan to the courts, updating the plan at least every 6 months
- Initiates action toward termination of parental rights, if in child's best interests
- Facilitates court orders

Places Children

- Places children in a foster home, relative's home, or group home that is to meet the child's needs or places the child with the parent(s)
- Provides oversight of the placement and services for the child

Provides Assessments & Services

- Assesses the child and family in order to determine needed services to support family reunification
- Provides for services for children in out-of-home care, such as counseling, medical, dental, and treatment services
- Provides for services to children and families where children are able to remain with HHS supervision in the home of origin
- Informs the courts of services offered and accepted

Reports to the FCRB

- Informs the FCRB of child's removals from the home, placement or case management changes, and case closings, per statute

Role of the Court

Due Process

- Assure due process rights are protected
- Assure all parties are present and have legal advice

Fact Finding and Decision Making

- Act as fact finder, review all pertinent information
- Provide for pre-hearing conferences
- Provide adjudication and disposition of case
- Provide 12-month permanency hearing and dispositional review hearings
- Monitor parental compliance
- Order services based on facts presented as evidence
- Appoints a guardian ad litem, accepts GAL reports, and monitors GAL performance
- Makes judicial record for permanency plan if child is not able to return home
- Makes review that is on record and may be appealed
- Acts as ultimate decision-maker on family reunification, adoption, independent living, termination of parental rights

Reports to the FCRB

- Informs the FCRB of child's removals from the home, placement or case management changes, and case closings, per statute.